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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,850	12/30/2003	Miroslav R. Petrov	6570P052	9444
45962	7590	08/03/2010	EXAMINER	
SAP/BSTZ			NGUYEN, VAN KIM T	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP			ART UNIT	
1279 OAKMEAD PARKWAY			PAPER NUMBER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/749,850

Applicant(s)

PETROV ET AL.

Examiner

Van Kim T. Nguyen

Art Unit

2456

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15, 16, 18, 20, 21, 25, 26, 30, 31, 33, 35-37, 39 and 41-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-16, 18, 20-21, 25-26, 30-31, 33, 35-37, 39 and 41-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-940)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is responsive to communications filed on July 27, 2010.

Claims 48-50 have been added; thus claims 15-16, 18, 20-21, 25-26, 30-31, 33, 35-37, 39 and 41-50 are pending in the case.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 27, 2010 has been entered.

Response to Amendment

3. Applicant's arguments with respect to claims 15-16, 18, 20-21, 25-26, 30-31, 33, 35-37, 39 and 41-47 have been considered but are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 103

4. Claims 15-16, 20-21, 30-31, 35-37 and 41-50 are rejected under 35 U.S.C.103(a) as being unpatentable over Viswanath et al. (US 7,206,827), in view of Jung et al (US 6,308,208), further in view of Gorman (US 6,795,791), and further in view of Rivierre et al. (US 7,539,743).

Regarding claim 15, Viswanath discloses a multi-service monitoring system comprising:

computer server system having a cluster of application servers (108A-B, Figure 1) communicatively coupled on a computer network (102; Figure 1) to serve applications over the computer network to a plurality of computer clients systems (100, Figure 1), wherein each computer server system including an application server (200, 202; Figures 2-6) having:

an administration service (212, 216, 224; Figure 6) to generate runtime Beans, *wherein* each runtime Bean associated with one or more resources (col. 10: lines 31-67);

a monitor service (212, 216, 224; Figure 6) in communication with the administration service, the monitor service to generate *the* monitor Beans (listeners 352 may be created for each component 350 being generated; col. 10: lines 26-63, col. 13: lines 22-29, col. 17: lines 16-25, and col. 24: lines 1-27).

Viswanath does not explicitly disclose each runtime Bean collecting monitoring data *relating to the* one or more associated resources and reporting the monitoring data to a corresponding monitor Bean; and each monitor Bean having a resource identifier to identify its corresponding runtime Bean.

Jung discloses each runtime Bean collecting monitoring data for its one or more associated resources and reporting the monitoring data to a corresponding monitor Bean (col. 7: line 20 – col. 8: line 13; Figures 6-7); and each monitor Bean having a resource identifier to identify its corresponding runtime Bean (each monitoring cell 52 is uniquely identifiable among other cells; col. 7: lines 1-5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Jung's teaching of adding resource identifiers field in Viswanath's system, motivated by the need of properly managing and monitoring remote resources.

Viswanath-Jung does not explicitly disclose the Beans are MBeans, wherein each monitor MBean being directly mapped to a corresponding runtime MBean and indirectly mapped to a resource associated with the corresponding MBean and its associated runtime MBean.

Gorman teaches the Beans are MBeans, wherein each monitor MBean being directly mapped to a corresponding runtime MBean and indirectly mapped to a resource associated with the corresponding MBean and its associated runtime MBean (col. 3: line 23 – col. 4: line 60).

It would have been obvious to one of ordinary skill in the art at the time the invention as made to apply Gorman's teaching of managing MBeans in Viswanath-Jung's system, motivated by the need properly managing and monitoring network resources.

Viswanath-Jung-Gorman does not explicitly disclose each runtime MBean serves as an intermediary between its one or more associated resources and a corresponding monitor MBean of monitor MBeans that seeks monitoring data relating to the one or more resources.

Rivierre teaches each runtime MBean serves as an intermediary between its one or more associated resources and a corresponding monitor MBean of monitor MBeans that seeks monitoring data relating to the one or more resources (col. 1: line 26 – col. 2: line 53, col. 5: line 45 – col. 6: line 19, and col. 10: lines 4-65).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Rivierre's method of administering administration application and software system in a JMX environment in Viswanath-Jung-Gorman's system in order to provide users administrators means of accessing the system via a single interface and allow more flexibility in network management.

Claims 30 and 36 are rejected under the same basis.

Regarding claim 16, Viswanath-Jung-Gorman-Rivierre also discloses wherein each computer server system including an application server further having a notification service to generate notifications in response to occurrence of one or more specified events relating to one or more runtime MBeans or one or more monitor MBeans, the notification service providing the notifications to each application server in the cluster of application servers (col. 13: lines 41-52, col. 19: lines 4-19, and col. 22: line 12 – col. 23: line 55; Viswanath).

Claims 31 and 37 are rejected under the same basis.

Regarding claim 20, Viswanath-Jung-Gorman-Rivierre also discloses runtime MBeans include standard runtime MBeans and specific runtime MBeans, the standard runtime MBeans providing one or more predefined standard functions for their associated resources (col. 21: lines 13-29; Viswanath), and the specific MBeans providing one or more resource-specific functions for their associated resources (col. 21: lines 44-48; Viswanath).

Claims 35 and 41 are rejected under the same basis.

Regarding claim 21, Viswanath-Jung-Gorman-Rivierre also discloses one of the standard functions comprises starting and stopping a resource (col. 20: lines 38-44; Viswanath).

Regarding claim 42, Viswanath-Jung-Gorman-Rivierre also discloses the runtime MBeans, at an instrumentation level, to passively report the monitoring data to the monitor MBeans, at an agent level, according to a predetermined schedule (Figs. 1-2, col. 2: lines 41-51, Viswanath).

Claims 44 and 46 are rejected under the same logic.

Regarding claim 43, Viswanath-Jung-Gorman-Rivierre also discloses the runtime MBeans to actively report the monitoring data to the monitor MBeans at an occurrence of an event or in response to a request from a monitor MBean (Figs. 1-2, col. 2: lines 41-51, Viswanath).

Claims 45 and 47 are rejected under the same logic.

Regarding claim 48, Viswanath-Rivierre-Jung-Gorman also discloses the one or more resources comprise one or more system resources including one or more kernel resources, application components, and libraries (col. 12: lines 4-60).

Claims 49 and 50 are rejected under the same basis.

6. Claims 18, 33 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Viswanath-Jung-Gorman-Rivierre, as applied to claim 15, 30 and 36, respectively above, in view of Ismael et al (US 6,061,721), hereinafter Ismael.

Regarding claim 18, Viswanath-Jung-Gorman-Rivierre does not explicitly disclose a graphical user interface ("GUI") to hierarchically display the monitoring data associated with resources associated with the server nodes based on a hierarchical tree arrangement of the server nodes in a hierarchical tree structure.

Ismael teaches beans are reusable software component which can be manipulated visually by GUI builder or Graphical user interface (col. 2: lines 23-36).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the well known GUI builder taught by Ismael in the system of Viswanath-Jung-Gorman-Rivierre in order to manipulate the software commands easier using the virtually builder tools.

Claims 33 and 39 are rejected under the same basis.

5. Claims 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Viswanath-Jung-Gorman-Rivierre, as applied to claim 15 above, in view of Haller et al (US 2004/0244001).

Regarding claim 25, Viswanath-Jung-Gorman-Rivierre does not explicitly call for one of the specified events comprises a resource reaching a first threshold value indicating the resource is available.

Haller teaches one of the specified events comprises a resource reaching a first threshold value indicating the resource is available (steps 56 and 66; Figure 3, ¶[0024-0025]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Haller's threshold in Viswanath-Jung-Gorman-Rivierre's system in order to monitor system tasks on the network.

Regarding claim 26, Haller also discloses one of the specified events comprises the resource reaching a second threshold value representing a critical resource value indicating the resource is not available (steps 58-62; Figure 3, ¶[0024-0025]).

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN KIM T. NGUYEN whose telephone number is (571)272-3073. The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia, can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Rupal D. Dharia/
Supervisory Patent Examiner, Art Unit 2400

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